

REMARKS

Claims 1-3, 5-10, 12-14, 16 and 17 are pending in the application. Claims 1-3, 5-10, 12-14, 16 and 17 have been rejected. Claims 1 and 12 have been amended. No new matter has been added.

Claim Amendments

Claims 1 and 12 have been amended to recite that the generation of forms is “in function of the past history of all alternative actions so as to enable transfer of a group evaluation forms and subforms in one operation into a file.”

Claim Rejections – 35 USC § 102

Claims 1-3, 5-10, 12-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by McIlroy et al (U.S. Patent No. 5,583,758). Applicants respectfully traverse the rejection.

Claims 1 and 12

In the Examiner’s Response to Arguments the Examiner asserts that the actual treatment already given, that is derived from the treatment options, serves as a function of the past history of alternative actions since treatments already given have already occurred.

Applicants have amended claims 1 and 12 to clarify that the generation of forms is in function of the past history of all alternative actions. As such, in the invention set forth in claims 1 and 12 all alternate actions are recorded. This includes actions related to all treatments that were not given, as well functions (algorithmic structures) which are needed to reconstruct all treatments (including the actual treatment given as well as all treatments that were not given). McIlroy does not disclose such inclusion of all alternative actions. The actual treatment given disclosed in McIlroy does not constitute all alternative actions.

As discussed before in the August 5, 2003 response, McIlroy describes a question/data collection structure that is illustrated as decision tree with multiple data collection nodes and

conditional branching. This is not a single catalogue as set forth in the present claims. Indeed the question and answer databases are separate databases which neither alone nor combined constitute a hierarchical sequence of all alternative actions.” because they are questions and answers not actions. The treatment options are an end result of the decision tree of McIlroy. While, the actual treatment already given may differ from the guideline treatment options provided by the system of McIlroy it does not constitute a function of the past history of all alternative actions. As such, McIlroy fails to disclose each and every element of claims 1 and 12.

In light of the foregoing amendments and remarks, Applicants respectfully submit that amended claims 1 and 12 are not anticipated by McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 1 and 12 under 35 U.S.C. §102, and pass the claim to allowance.

Claims 2-3, 5-10, 13, 14, 16, and 17

Claims 2-3, 5-10, 13, 14, 16, and 17 depend from either claim 1 or claim 12 and as such incorporate each and every element of claim 1 or 12. As discussed above, McIlroy fails to disclose each and every element of amended claims 1 and 12. Therefore, McIlroy fails to disclose each and every element of claims 2-3, 5-10, 13, 14, 16, and 17.


In light of the foregoing amendments and remarks, Applicants respectfully submit that amended claims 2-3, 5-10, 13, 14, 16, and 17 are not anticipated by McIlroy. Applicants therefore request the Examiner withdraw the rejections of claims 2-3, 5-10, 13, 14, 16, and 17 under 35 U.S.C. §102, and pass the claim to allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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